

REMARKS

Claims 1-17 are pending in this application. By this Amendment, claim 10 is amended.

In reply to the Restriction Requirement, Applicants provisionally elect Group I, claims 1-15, with traverse. Applicants have deleted the species referred to in the Office Action from claim 10. See Office Action at page 3. Thus, the Election of Species Requirement is obviated by the above amendments.

Regarding the Restriction Requirement, Applicants respectfully assert that the Requirement is improper under the rules of practice in PCT national stage applications, because the appropriate unity of invention standards have not been properly applied by the Patent Office. In PCT national stage applications, the Examiner may issue a restriction-type Requirement if no unity of invention exists. The Examiner must state why there is no "single general inventive concept." See MPEP §1893.03(d). Therefore, a single application may include one invention, or more than one invention if the inventions are "linked as to form a single general inventive concept." Id. (emphasis added). If multiple inventions are included in the application, they are deemed to be linked if there exists a "technical relationship among the inventions that involves at least one common or corresponding special technical feature." Id.

On pages 2 and 3 of the Restriction Requirement, the Examiner points to the specification of the pending application at pages 16-17, and in particular a portion which states "Except for those points, [referring to enumerated general features of the disclosure] the manufacturing method and the manufacturing apparatus of the present exemplary embodiment are the same as a conventional manufacturing method of a magnetic recording medium and a conventional manufacturing apparatus of the same." The Restriction Requirement alleges that "those points" are not articulated in claim 1 and that, accordingly, a

conventional apparatus can be used in carrying out the method of claim 1. Thus, the Examiner alleges that the claims of Groups I and II do not share a common special technical feature. See Restriction Requirement at page 3.

However, "those points" indicated in pages 16 and 17 of the specification include at least "features in a technique for processing the continuous recording layer" and "techniques for processing those [the mask, resist, and continuous] layers." Contrary to the assertion in the Restriction Requirement, a technique for processing the resist layer, mask layer and continuous recording layer are each clearly recited in claim 1.

Claim 16 depends from claim 1 and therefore necessarily includes all of the features of claim 1. Accordingly, the claims in Groups I and II share a common special technical feature under the rules of practice in PCT national stage applications. Thus, Applicants respectfully request that the Restriction Requirement be withdrawn.

It is also respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-15 and rejoinder of claims 16 and 17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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